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7 CHRISTINA FOREGGER,  
8 Plaintiff,  
9 v.  
10 REDFIN CORPORATION,  
11 Defendant.

Case No. [24-cv-05701-HSG](#)

**ORDER GRANTING MOTION TO  
DISMISS**

Re: Dkt. No. 8

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13 Before the Court is Defendant Redfin Corporation’s motion to dismiss, Dkt. No. 8. The  
14 Court finds this matter appropriate for disposition without oral argument and the matter is deemed  
15 submitted. *See* Civil L.R. 7-1(b). The Court GRANTS the motion.

16 **I. BACKGROUND**

17 Pro se Plaintiff Cristina Foregger filed a complaint against Defendant Redfin Corporation  
18 in Alameda County Superior Court in July 2024. *See* Dkt. No. 1-2 (“Compl.”). The complaint  
19 lists “defamation of character” and “defrauding the court system” as Plaintiff’s causes of action.  
20 *Id.* at 5, § 10. Although the allegations in the complaint are difficult to follow, the Court  
21 understands Plaintiff to allege that several attorneys representing Redfin, her former employer,  
22 made false statements about her during the course of pursuing a purportedly fraudulent workplace  
23 violence restraining order against her in state court. *Id.* at 6, 7. She claims that the restraining  
24 order has negatively affected her real estate business. *Id.* at 7. The complaint seeks compensatory  
25 damages in the amount of \$3,000,000. *Id.* at 5, § 14.

26 Defendant removed the case to this Court in August 2024, Dkt. No. 1, then moved to  
27 dismiss the complaint, Dkt. No. 8 (“Mot.”). Defendant argues that the complaint should be  
28 dismissed because “defrauding the court system” is not a cognizable claim, and Plaintiff also fails

1 to state a claim for defamation. *See* Mot. at 11–12. In the alternative, Defendant asks the Court to  
2 order Plaintiff to file a more definite statement, or to compel Plaintiff’s claims to arbitration. *See*  
3 *id.* at 18.

4 **II. LEGAL STANDARD**

5 Federal Rule of Civil Procedure 8(a) requires that a complaint contain “a short and plain  
6 statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). A  
7 defendant may move to dismiss a complaint for failing to state a claim upon which relief can be  
8 granted under Rule 12(b)(6). “Dismissal under Rule 12(b)(6) is appropriate only where the  
9 complaint lacks a cognizable legal theory or sufficient facts to support a cognizable legal theory.”  
10 *Mendiondo v. Centinela Hosp. Med. Ctr.*, 521 F.3d 1097, 1104 (9th Cir. 2008). To survive a Rule  
11 12(b)(6) motion, a plaintiff need only plead “enough facts to state a claim to relief that is plausible  
12 on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially plausible  
13 when a plaintiff pleads “factual content that allows the court to draw the reasonable inference that  
14 the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).  
15 In reviewing the plausibility of a complaint, courts “accept factual allegations in the complaint as  
16 true and construe the pleadings in the light most favorable to the nonmoving party.” *Manzarek v.*  
17 *St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008). Nevertheless, courts do not  
18 “accept as true allegations that are merely conclusory, unwarranted deductions of fact, or  
19 unreasonable inferences.” *In re Gilead Scis. Secs. Litig.*, 536 F.3d 1049, 1055 (9th Cir. 2008)  
20 (quoting *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001)).

21 Additionally, “[p]leadings must be construed so as to do justice.” Fed. R. Civ. P. 8(e).  
22 “[A] pro se complaint, however inartfully pleaded, must be held to less stringent standards than  
23 formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation  
24 omitted). Nevertheless, “pro se litigants are bound by the rules of procedure.” *Ghazali v. Moran*,  
25 46 F.3d 52, 54 (9th Cir. 1995). Even a “liberal interpretation of a . . . complaint may not supply  
26 essential elements of the claim that were not initially pled.” *Ivey v. Bd. of Regents of Univ. of*  
27 *Alaska*, 673 F.2d 266, 268 (9th Cir. 1982).

1           **III. DISCUSSION**

2           The Court grants Defendant's motion to dismiss because Plaintiff's complaint does not  
3 adhere to Rule 8's requirement to set out "a short and plain statement of the claim." Even liberally  
4 construing Plaintiff's allegations, the complaint deviates too far from the requirement that "[e]ach  
5 allegation [ ] be simple, concise, and direct" to proceed as pled. Fed. R. Civ. P. 8(d)(1). Plaintiff  
6 references an allegedly fraudulent restraining order involving Defendant and a previous  
7 whistleblower lawsuit, *see* Compl. at 6, but the specific facts she includes fail to supply the  
8 necessary context for her assertions or establish how her factual assertions connect to her stated  
9 causes of action.

10          More specifically, the complaint fails to set out a short and plain statement of a defamation  
11 claim. "To state a claim for defamation under California law, a plaintiff must allege '(a) a  
12 publication that is (b) false, (c) defamatory, and (d) unprivileged, and that (e) has a natural  
13 tendency to injure or that causes special damage.'" *Burmeister v. Saldich*, No. 22-CV-00088-  
14 HSG, 2023 WL 309044, at \*3 (N.D. Cal. Jan. 18, 2023) (quoting *Taus v. Loftus*, 40 Cal. 4th 683,  
15 720 (2007)). Plaintiff's complaint characterizes several individuals as Defendant's "lying  
16 attorneys," but it fails to specifically identify the substance of the false statements they allegedly  
17 made about her, when the statements were made, and to whom. Plaintiff offers additional factual  
18 allegations in her opposition brief, describing in further detail the circumstances of the state court  
19 restraining order, and contending that the Court "can see on the State Court papers the lies . . .  
20 from the Redfin attorneys as well as Redfin managers." *See* Dkt. No. 18 at 4; *see also* Compl. at 6  
21 (referring to facts that Plaintiff "attached" to the complaint). However, it is not the Court's  
22 responsibility to comb through documents that Plaintiff has attached to her complaint to identify  
23 facts that could plausibly state her legal claims. Rather, it is Plaintiff's burden to ensure that the  
24 complaint itself contains "sufficient facts to support a cognizable legal theory." *See Mendiondo*,  
25 521 F.3d at 1104; *see also Schneider v. California Dep't of Corr.*, 151 F.3d 1194, 1197 (9th Cir.  
26 1998) ("In determining the propriety of a Rule 12(b)(6) dismissal, a court may not look beyond the  
27 complaint to a plaintiff's moving papers, such as a memorandum in opposition to a defendant's  
28 motion to dismiss."). The conclusory statements and unsubstantiated assertions of "lying" that

1 comprise Plaintiff's original complaint are insufficient under Rule 8.<sup>1</sup>

2 Similarly, it is unclear what cause of action Plaintiff intends to assert against Defendant by  
3 alleging a claim of "defrauding the court system." *See Compl.* at 5, § 10. "Fraud on the court" is  
4 a cause of action that allows courts to vacate judgments obtained by fraud. *See United States v.*  
5 *Est. of Stonehill*, 660 F.3d 415, 444 (9th Cir. 2011). Plaintiff's complaint states that she was  
6 "roped into a fraudulent restraining order." Compl. at 6. But instead of asking the Court to vacate  
7 the order, Plaintiff appears to seek only damages, which are not available as a remedy for a "fraud  
8 on the court" claim. *See Edwards v. Edwards*, No. CV2300552FMORAO, 2023 WL 3010158, at  
9 \*4 (C.D. Cal. Apr. 19, 2023). Moreover, Plaintiff's assertions about "lying attorneys" do not  
10 sufficiently plead a claim of fraud, as Plaintiff is required to clearly identify "the who, what, when,  
11 where, and how" of any alleged fraudulent conduct. *See Drawsand v. F.F. Properties, L.L.P.*, 866  
12 F. Supp. 2d 1110, 1123 (N.D. Cal. 2011). These deficiencies are fatal because they do not provide  
13 Defendant with "fair notice of what the . . . claim is and the grounds upon which it rests." *See*  
14 *Twombly*, 550 U.S. at 555 (internal quotation omitted).

15 "Although a pro se litigant . . . may be entitled to great leeway when the court construes his  
16 pleadings, those pleadings nonetheless must meet some minimum threshold in providing a  
17 defendant with notice of what it is that it allegedly did wrong." *Brazil v. United States Dep't of*  
18 *Navy*, 66 F.3d 193, 199 (9th Cir. 1995). Here, Plaintiff's complaint fails to provide the necessary  
19 "factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft*,  
20 556 U.S. at 678 (internal citation omitted). Accordingly, the Court grants Defendant's motion to  
21 dismiss, Dkt. No. 8. Since this finding is sufficient to dispose of the complaint, the Court need not  
22 rule on any of Defendant's other arguments, including whether Plaintiff's claims are subject to  
23 arbitration.<sup>2</sup>

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25 <sup>1</sup> In considering an amended complaint, Plaintiff should be aware, for example, that statements  
26 that lawyers or other individuals make in legal pleadings or in connection with legal proceedings  
27 are likely subject to the litigation privilege, which bars liability for tort claims such as defamation.  
*See Catlin Ins. Co., Inc. v. Meredith*, No. 20-CV-01345-HSG, 2021 WL 764042, at \*4 (N.D. Cal.  
Feb. 26, 2021) (citing *Silberg v. Anderson*, 50 Cal. 3d 205, 212 (Cal. 1990)).

28 <sup>2</sup> The Court notes, however, that Plaintiff does not appear to contest the validity or the terms of the arbitration agreement that Defendant alleges she signed with Redfin.

1       **IV. CONCLUSION**

2              The Court grants Defendant's motion to dismiss, Dkt. No. 8. Despite these pleading  
3              deficiencies, the Court cannot say at this stage that amending the complaint would be futile. *See*  
4              *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) ("[A] pro se litigant is entitled to notice  
5              of the complaint's deficiencies and an opportunity to amend prior to dismissal of the action.").  
6              Plaintiff may still be able to allege sufficient facts to state a claim. *Lopez v. Smith*, 203 F.3d 1122,  
7              1131 (9th Cir. 2000). **Plaintiff shall file an amended complaint by no later than April 22,**  
8              **2025.** Failure to file an amended complaint by this deadline may result in the dismissal of the  
9              action in its entirety without further leave to amend. In addition, Plaintiff's amended complaint  
10             may be dismissed if she does not correct the deficiencies the Court has identified in this order. As  
11             the Court has explained, any amended pleading must (1) provide adequate notice of what conduct  
12             is alleged to have violated what law or right and (2) explain how the facts alleged establish the  
13             elements of each cause of action.

14             The Court encourages Plaintiff to seek the assistance of the free Legal Help Center  
15             operated by the Bar Association of San Francisco. The Legal Help Center sets up appointments to  
16             speak with a lawyer for basic legal help, but it does not provide legal representation.  
17             Appointments can be scheduled by emailing [fedpro@sfbar.org](mailto:fedpro@sfbar.org) or by calling (415) 782-8982.  
18             Plaintiff may also wish to consult the resources available on the Court's website, at  
19             <https://cand.uscourts.gov/pro-se-litigants/>, for people who are representing themselves without a  
20             lawyer.

21             **IT IS SO ORDERED.**

22             Dated: 3/26/2025

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24             HAYWOOD S. GILLIAM, JR.  
25             United States District Judge